Supreme Court, U.S.
FILED

(1)

98-1863 MAR 22 1999

No. _____

OFFICE OF THE CLERK

In The Supreme Court Of The United States

October Term 19 ____

VIRGINIA EARLY RIGGAN

Petitioner

V.

R.W. MOORE EQUIPMENT COMPANY

Respondent

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

Virginia Early Riggan
6609 Fayetteville Road
Raleigh, North Carolina 27603

(919) 772-8992

28 pp

QUESTIONS PRESENTED BELOW

The Fourth Circuit Court of Appeals decided by review of the record and the District Court's opinion no reversible error. Motion was appealed from the District's Court order denying a motion for a new trial or judgment not withstanding the verdict. The Supreme Court should exercise its power and reverse the decision of the Fourth Circuit Court. The petitioner was denied a motion for an oral argument.

(1) What happened to the $67,000.00 offered at the pre-trial hearing and the petitioner agreed to accept? This offer was offered by the respondent attorney and accepted by the petitioners attorney as final settlement?

(2) Why was the Equal Pay dropped after the $67,000.00 was offered and the petitioner had agreed to accept?

(3) Why would the attorney for the respondent, when questioned in the Informal Brief for the Fourth Circuit Court, answer the question that the offer of $67,000.00 was for the cost of the defense? How could there have been a cost of the defense when the attorney representing the petitioner accepted the case on a 33-1/3% contingence fee basic, and the petitioner has signed documents to that effect?

(4) Why was the deposition of Dr. Jim Bellard taken and wasn't used in United States District Court?

The petitioner was seen by Dr. Jim Bellard, with Raleigh Psychiatry?

(5) The complete payroll records including application, date of hire, and proof of age of William Lovette III, to prove to the courts that Mr. Lovette replaced the petitioner at a lower wage?

(6) Why would the Judge dismiss the Equal Pay and the petitioner knew nothing about this dismissal until the case was about to go to the jury. In checking the documents filed in United States District Court, after the petitioner was offered the $67,000.00 the Equal Pay, which was on file was crossed out with a X with the words indicated "no"? How did the Judge dismiss the Equal Pay, when it was never brought up in court?

(7) Why did the Judge dismiss the Sex Discrimination as the trial was just before going to the jury? How could the Judge dismiss the Sex Discrimination when all during the trial, nothing was brought out to the courts by the petitioners attorney regarding the younger male worker which the petitioner was replaced with?

(8) Why would the respondents attorney proposed in the jury instructions, that the jury award compensatory damages only for lost wages, no more or no less?

(9) Why would the attorney for the respondent propose in the jury instructions, the lost wages

or benefits because of the age and sex discrimination of the petitioner, then her loss would be that amount which is the difference between what she made while in the employment of the respondent and what the petitioner made afterwards?

(10) Why would the attorney for the petitioner address the jury no money was involved? Was this decision from the proposed Jury Instructions by the respondents attorney?

(11) During the 18 years of employment the petitioner was never given a promotion, was never offer or considered for a promotion. Why did the respondent wait until the petitioner was 50 years of age to replace the petitioner with a younger worker, if age and sex discrimination wasn't the reason for the firing?

PARTIES TO THE PROCEEDING

Petitioner, Virginia Early Riggan is a citizen and resident of North Carolina, 6609 Fayetteville Road, Raleigh, N.C. 27603. The Respondent is a business corporation organized and existing under the laws of the State of North Carolina, with the principal office located in Garner, North Carolina and with offices in other cities in the Eastern district. The respondent does business in Wake County, Garner, North Carolina through its President, R. W. Moore, Vice President John Meacham, (vice-president terminated 1998) and Joan Moore, Secretary and Treasurer.

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In The
Supreme Court of the United States

October Term, 19__

Virginia Early Riggan *Petitioner*,

V

R.W. Moore Equipment Company
Respondent,

Petition for Writ of Certiorari to the
Supreme Court of the United States
Fourth Circuit Court of Appeals

Virginia Early Riggan respectfully petition for Writ of Certiorari to review the judgment of the Fourth Circuit Court of Appeals in this case.

OPINIONS BELOW

The opinion of the Fourth Circuit Court of Appeals is set out in the Appendix, *infra* 1a to 2a. The Opinions of the decisions of the United States District Court, is set out in the Appendix, *infra,* 3a.

OPINION BELOW

The opinion of the United States District Court, Eastern Division of North Carolina, Western Division (Raleigh) was filed March 25, 1998. The petitioners Motion for a New Trial or Judgment Notwithstanding the verdict were denied. The decision of the United States District Court was appealed to the Fourth Circuit Court of Appeals. The opinion of the Fourth Circuit Court of Appeals is set out in CA-96-890-5-BR2 (98-1521). By order filed November 23, 1998, the Fourth Circuit Court denied Virginia Early Riggan petition for rehearing and suggestion for rehearing en banc. A copy of the order denying rehearing is reprinted in the Appendix at page App. 2A

JURDISDICTION

The petitioner filed the case October 18, 1996 in United States District Court, Eastern District of North Carolina, Western Division under Age Discrimination in the Employment Act 29 U.S.C. 621 et. seq. And 28 U.S.C. sections 1331 and 1337.Title VII of the Civil Rights Act of 1964 and the Equal Pay Act- Title 29, Section 206. The demand was more than $10,000, case no. 5:96-CV-890-BR(2). A pretrial hearing was held January 12, 1998. The trial was held in United States District Court, February 3 to February 5, 1998. Motion not withstanding the verdict and motion for new trial was filed February 17, 1998. March 25, 1998 the Judge ruled on the motion for a new trial, and the motion was denied. April 3, 1998, the trial was appealed to the United States Court of Appeals for the Fourth Circuit. On August 31, 1998 the United States Court of Appeals decided the case. The United States Court of Appeals review the record and the district courts opinion and found no reversible error. On November 23, 1998 the United States Court of Appeals for the Fourth Circuit denied the petitioner a petition for rehearing, on Petition for Rehearing with Suggestion for Rehearing in Banc. January 14, 1999 the petitioner was granted an extension of time in United States Supreme Court, including March 22, 1999 to file the Petition for a Writ of Certiorari. Jurisdiction is conferred upon the Supreme Court to review the judgment of the Fourth Circuit Court. 28 U.S.C. Section 1254.

STATUES INVOLVED IN THIS CASE

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000 et. seq.

Age Discrimination in the Employment Act (ADEA) 29 U.S.C. §621 et.seq. and 28 U.S.C. Section §1331 and 1337.

Equal Pay Act – Title 29 United States Code Section 2069 (d) (1).

STATEMENT OF THE CASE

The petitioner was hired February 28, 1978 as a full time employee with the respondent. The petitioner was 33 year of age at the time of hire. At the time the petitioner was fired, she was 50 years of age. During the 18 years of employment everything went well, the petitioner attended work every day missing only 8 days in the length of employment due to illness. During the 18 years of employment the petitioner was never reprimanded in any way and at times got a $1000.00 bonus for doing excellent work. On two occasion the petitioner received the "Employee of the Month" award. The petitioner was responsible for payroll, cash receipts and various other job responsibilities and at times handled over 31 million dollars per year in receivables.

December 19, 1994, the petition turned 50 years of age. In March 1995, the petitioner's supervisor made the comment that the petitioner had turned 50 years of age, insurance had increased, and that the petitioner could be replaced with a younger worker and the company would not have to pay the younger worker the salary the petitioner was making. July 1995, during employee review the petitioner wasn't given a salary increase. Again the comment was make by the petitioners supervisor that the petitioner could be replaced with a younger worker at a lower wage. The petitioner at this time took the comment to the president of the company, and the President of the company agreed that the petitioner could be replace with a younger worker at a lower salary. The petitioner didn't think much of the first comment and took into consideration the length of service she had with the company. Again the comment

was made regarding the insurance increase, and the fact that the petitioner could be replaced with a younger worker.

October 1995 the comment was made to the petitioner for the third time. December 8, 1995 the petitioner was called in the office of the President of the company, and the petitioners' supervisor was present also. At this time the petitioner was offered a check for $2600.00 to resign from the company. The Petitioner was told by the respondent that if the petitioner didn't accept the check and resign, that the petitioner would be fired. The petitioner didn't accept the check and the petitioner was fired. The petitioner asked for a reason and the respondent advised it was his company, he could fire whom he wanted to and didn't have to give a reason. The petitioner was never given a reason for the termination; other than she could be replaced with a younger worker at a lower wage. The petitioner was pulled to the back door by the petitioner's supervisor and told to leave the premises of the respondent business and never return. The petitioner wasn't allowed to pick up any of her personal items. Within one week after the petitioner was fired, she was replaced with the younger male worker, age 26. During the 18 years of employment the petitioner was told she was the highest paid worker in the office, when in fact she was the lowest paid worker. The petitioners co-worker was making more salary that the petitioner and she were crossed trained to do the co-workers job duties. When the co-worker was hired January 1990, the petitioner trained the co-worker for the position which he was hired to fill.

After the petitioner was fired and replaced with the younger male worker, age 26, the petitioner filed a complaint with the Equal Employment Opportunity Commission on May 16, 1996, within 180 days of the date

of termination of the petitioner's employment. The termination of the petitioner's employment by the respondent constitutes a willful violation of 29 U.S.C. 623. The respondent was in violation of the Age and Sex Discrimination. The Equal Employment Opportunity Commission issued the petitioner the "Right to Sue" in United States District Court, Eastern District of North Carolina, Western Division. for Age and Sex Discrimination, and Equal Pay Act. The petitioner was employed from February 1978 until December 1995 when at the age of 50 the petitioner was fired. During the course of the trial in February 1998, the attorney representing the petitioner allowed people to testify that the petitioner had problems getting along with people in the office. The only person to testified, that left the company because of the petitioner, had left the company in 1980, and when the final cross-examination was completed, she didn't leave because of the petitioner, but left to take a higher paying job. The petitioner never knew of any problems until she reached 50 years of age. The attorney for the respondent type affidavits of misleading things about the petitioner and abusive comments. When the people testified, in United States District Court, the testimony was different than what had been prepared by the respondents' attorney, and was signed by the employees at his request. The judge questioned the attorney that was representing the petitioner, if he was going to allow this type of comments in the courtroom without an objection. The Attorney for the petitioner gave no response. The respondent attorney dwelled on the petitioner income taxes. The respondent did everything possible to avoid to the courts the way the petitioner was fired. The respondent claimed people left the company because of the petitioner. The attorney for the respondent had several people to testify against the petitioner, but the testimony was different than what was on the affidavits. This was the type of behavior the

respondents attorney took into consideration to cover up the way the petitioner was fired, and the fact the petitioner was replaced with a younger male worker. Another female, Linda Brobson, which was employed at a branch office, was fired at the age of 49 and replaced with a younger worker, age 23. Linda Brobson was subpoena to testify in behalf of the petitioner, but was never allowed to testify at the way the respondent fired her and replaced her with a younger worker, age 23. Linda Brobson had been employed with the company 12 years.

The petitioner was dismissed by the respondent because of age and gender, a violation of Age Discrimination in Employment Act, 29 U.S.C. 621 et seq., Title VII of the Civil Rights Act of 1964.

James O' Connor v Consolidated Coin Caterers Corporation - 56F 3d 542,545,548 (4th Cir 1995) rev'd 1165 CT 1307 (1996) No. 95-354. James O'Connor was fired at the age of 56 and replaced with a 40-year-old worker. This same type of firing happened to the petitioner, except the petitioner was 50 years of age and replaced with a 26-year-old worker. According to Age Discrimination in Employment Act of 1967, &2 et. seq. 29 U.S.C.A. & 621 et-seq. the petitioner established prima facie case of age discrimination if she can show she is a member of the protected age class, that she was performing adequately in her job, that she was fired and that she was replaced by a younger person after her dismissal. Determination that age was determining factor in the petitioner discharge, the discharge of the employee was supported by evidence that the employee was a good worker and that the employee was performing more than adequately and the employee was replaced by a younger worker. The ADEA prohibits discrimination on the basic of age- Age Discrimination in

Employment Act of 1967 & 2 et. seq. as amended 29 U.S.C.A. & 621 et. seq.

Fifty year old former employee did not have to show that employee who replaced her was under the age of 40 years of age in order to make out a prima facie case of age discrimination. It was enough that a younger worker replaced the employee. Carter v City of Miami – C.A. 11 (Fla) 1989, 870 F 2d, 578.

The Equal Pay Act makes it unlawful to pay one employee less that another who is performing equal work because of an employee's sex. The respondent violated the provisions of the Equal Pay Act by paying the petitioner a rate less than the rate at which the respondent paid employees of the opposite sex for equal work.

Title 29, United States Code, Section 2069 (d) (1), provided in pertinent part, that:

> No employer...subject to... this section shall discriminate between employees on the basic of sex by paying wages to employees...at a rate less that the rate at which he pays wages to employees of the opposite sex... for equal work on jobs, the performance of which requires equal skill, effort, responsibility, and which are performed under similar working conditions.....

The petitioner performed her duties successfully as an employee of the respondent from February 28, 1978 until December 8, 1995, the date the petitioner was discharged. The petitioner, without complaint from any agent or employee of the respondent concerning the quality of her performance. The petitioner was terminated by the respondent, R.W. Moore, President of R. W. Moore Equipment Company. The respondent

replaced the petitioner, in the exact position with a younger male worker, who had no experience in the job and had never been employed by the respondent. The termination of the petitioner by the respondent was because of the petitioner's sex and age, which termination constitutes a violation of Title VII of the Civil Rights Act of 1964 and 29 U.S.C. Section 623 (A) (1). The petitioner never was reprimanded during the 18 years of employment, always-received good job reviews, received bonuses for doing excellent work. When the petitioner was 50 years old, the respondent wanted a younger worker to perform the duties, and when the petitioner didn't resign the petitioner was lead to the back door and push out, and told to leave and never return. The respondent then replaced the petitioner with the younger worker... at a lower wage. Had the petitioner never turned 50 year of age, the petitioner would still be employed with R. W. Moore Equipment Company. Yes, age and sex was the reason for the firing of the petitioner....

REASONS FOR GRANTING THE PETITION

At the age of 50, the petitioner was fired by the respondent corporation and was replaced by a 26-year - old worker. The complaint was filed with Equal Employment Opportunity Commission. A suit was filed in United States District Court alleging that the discharge violated the Age Discrimination in Employment Act of 1967 (ADEA). The District Court denied the petitioner a "Motion notwithstanding the Verdict, and the summary judgment was denied. The petitioner appeals the decision to the United States Courts of Appeals. The United States Court of appeals affirmed the holdings of United States District Court and affirmed it was no error in the decision of the United States District Court. The case presents the question whether a petitioner was discharged in violation of the Age Discrimination in Employment Act of 1967 (ADEA) 81 Stat. 602 as amended 29 U.S.C.§621 *et seq.* must show that the petitioner was replaced by someone outside the age group protected by the ADEA. The petitioner was fired and replaced with a younger male worker, age 26.

The petitioner, Virginia Early Riggan, was employed by the respondent from February 28, 1978 until December 8, 1995, when at the age of 50, she was fired. Within one week after the petitioner was fired, she was replaced with a younger male worker at a less salary. The petitioner can establish a prima facie case under McDonnell Douglas v Green, (411 U.S. 792 93 s ct 1817 36 l ed 2d 668), if she can prove that, (1) she was in the age group protected by the ADEA; (2) that she was discharged because of her age, (3) and at the time of

discharge she was performing her job at a level that met the employer's legitimate expectations, (4) and following the discharge the petitioner was replaced by someone younger, or the replacement was 40 years old.

`Because the ADEA prohibits discrimination on the basic of age, and not class membership the fact that the petitioner replacement is substantially younger that the petitioner is far more indication of age discrimination than if the petitioner had been replaced with someone older. The questions remains unanswered, why would the respondent replace the petitioner with a younger worker is it wasn't for the fact that she was considered old and the respondent wanted "young blood" to replace the petitioner. Why would the respondent make the comment to the petitioner that she could be replace with a younger worker at a lower salary? When the petitioner refused to accept the check for $2600.00, which she was offered to resign, she was fired and replaced with the younger worker. Fifty year old former employee did not have to show that the employee who replaced her, was under 40 years of age in order make out a prima case of age discrimination, it was enough that she was replaced by a younger employee (Carter v City of Miami, CA 11 (FLA 1989 870 F 2nd 578). The ADEA forbids employment discrimination against employees age 40 or older (Rabinovitz v Enron Corp. N.D. Iowa 1995 902 F. Supp. 882)

The termination of the petitioner's employment by the respondent was because of the petitioner's sex and age, which termination constitutes a violation of Title VII of the Civil Rights Act of 1964 and 29 U.S.C. Section 623 (A) (1). The termination of the petitioner employment by the respondent constitutes a willful violation of 29 U.S. C. 623.

The petitioner invokes the jurisdiction of the Supreme Court pursuant to Title VII of the Civil Rights Act of 1964 and also the Age Discrimination in Employment Act, 29 U.S.C. 621 et.seq. and 28 U.S.C. Section 1331 and 1337. The matter in controversy arises under the Act of Congress relating to age and sex discrimination.

Prevarication by either R. W. Moore or Virginia Riggan is the crux of this case. Either she was the perennial problem employee who should have been discharged a decade before she actually was, despite the awards, raises, cash bonuses and satisfactory employee reviews which she unquestionably was given over that period. She more than met the reasonable expectations of her employer up to the moment of firing, which firing was due to the understandable but illegal motive to economize through letting go of Virginia Riggan on account of her age and sex. Virginia Riggan had always and forever been repeatedly praised for the accuracy, quality, quantity, efficiency, loyalty and yes, even cooperativeness of her work product. As her Employee of the Month Certificates of Excellence in January 1989, and April 1993, put it: "continuous demonstration of attitude, performance, reliability, goal achievement, and cooperation...." The petitioner contends that her former employer was motivated by the common underlying reason for age discrimination, namely a savings in cost."See Pfeifer v Lever Brothers Co. 693 F. Supp 358, 363 (D. Md.1987), aff'd 850 F. 2d 689 (4th Cir. 1988).

McDonell Douglas formula is not the only way for petitioner to make out age or sex discrimination. O'Connor v Condolidated Coin Caterers Corp. aff'd 56 F. 3d 542,545,548 (4th Cir. 1995), rev'd on other grounds, 116 S. Ct. 1307 (1996). The petitioner establish by a preponderance of the evidence, direct or indirect, that

but for the respondents motive to discriminate against her because of her age and sex, she would not have been discharged. As it was put in Burns v AAF-McQuay., 96 F3d 728 (4th Cir 96), at 731 " The Fourth Circuit recognizes two avenues of proof by which an employee can an ADEA violation, (1) under ordinary principles of proof using any direct or indirect evident relevant to and sufficiently probative of the issue or (2) under [the method mentioned in the McDonnell Douglas paradigm]". Nonetheless, even if confined to the McDonnell Douglas paradigm, the petitioner has made out a prima facie case.

See Medley v Holly Farms Industries, 24 FEP 1330 (M.C. NC 1977). According to EEOC v Western Electric,713 F 2d. 1011 (4th Cir. 1983) petitioner makes a prima facie case by showing (1) she was in the protected age group (2) discharged (3) performing her job at a level which met employer's legitimate expectations, (4) her employer retained persons outside the protected age group. The petitioner contends that she carried her burden of showing that her performances were at the requisite level of employer expectations. Despite attempts by the respondent to shade the employment record, this is not a case with low job performance rating supported by any credible documentation. See Kraus v Sobel Containers, 915 F 2d. 227 (6th Cir. 1990). R. W. Moore can't credibly explain away his prior laudatory statements and only one undated, undeliverable note of his counseling the petitioner stands as any contemporaneous record of what he contends was conduct so deficient as to call for dismissal.

Petitioner doesn't rest on her prima facie case, however pretext is perhaps most strongly shown by discriminatory statements by the respondent. We are not dealing with just another need for "young blood"

comment, but repeated assertions in the course of formal and private performance reviews of her work in both March and July 1995, and the statements made by the supervisor, that the petitioner would never get another raise and that the respondent could replace her at anytime with a younger and cheaper worker. When the petitioner didn't pay attention to the discriminatory remarks and voluntarily terminate her employment, the petitioner was fired and replaced with a younger male worker at a lower wage. I plea with the Supreme Court to please grant me the Writ for Certiorari.

CONCLUSION

The United States District Court should have honored the motion from the petitioners for the Motion requesting a New Trial or Judgment notwithstanding the verdict.

The Fourth Circuit Court of Appeals ruling in this case should have been reversed and allowed the petitioner a new trial in the Motion notwithstanding the verdict. The petitioner was discharged because of age. The attorney representing the petitioner should have presented the supporting documents to prove to the courts, the petitioner was discharged because of her age. The attorney representing the petitioner should have had records subpoena to prove to the courts that the petitioner was replaced with a younger male worker. The petitioner put her confidence in her attorney, and felt confident that the attorney would represent her within the justice system. The questions remain unanswered as to what happened to the $67,000.00, which was offered at a pre-trial hearing and the petitioner agreed to accept, prior to the case going to trial. Why during the trial would the judge comment that the Equal Pay had been dropped from the case? Why would the judge drop sex discrimination, when no evidence was presented the petitioner was replaced with a younger male worker. The attorney representing the petitioner had advised that the records had been subpoena to prove to the courts that the petitioner was terminated because of her age. The attorney representing the petitioner immediately withdrew from the trial, leaving the petitioner with no one to represent her. The Fourth Circuit Court could not

make a fair decision in the ruling when their had been no evidence to support the facts regarding age, and that age was a determining factor in the firing. The Fourth Circuit Court of Appeals should have reviewed the file more thoroughly and reversed the decision of the United States District Court. It is time that the laws be enforced in the Age and Sex Discrimination Act of 1967 § et seq 29 U.S.C.A. 621 et, seq. Why would an employer discharge a employee, when the employee has been working for 18 years, never reprimanded, got excellent job reviews, and never had a problem until the employee turns 50 years of age? Then all of a sudden the employee is fired and replaced with a younger male worker, age 26 at lower salary. The should be sufficient for the courts to determine, yes this a case of age and sex discrimination and the decision of the Fourth Circuit Court should be reversed and the petitioner allowed a new trial.

Respectfully submitted,

Virginia Early Riggan

Virginia Early Riggan
6609 Fayetteville Road
Raleigh, North Carolina 27603

APPENDIX

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NO. 98-1521

Virginia Early Riggan **Plaintiff-Appellant,**

verus

R.W. Moore Equipment Company **Defendant-Appellee**

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W.Earl Britt, Senior District Court Judge. (CA-96-890-5BR2)

Submitted: August 13, 1998 **Decided: August 31,1998**

Before WIDENER and WILKINS, Circuit Judges, and HALL, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Virginia Ealy Riggan, Appellant Pro Se. Ronald Hill Garber, Boxley, Bolton, & Garber, Raleigh, North Carolina for Appellee.

Unpublished opinion are not binding precedent in this circuit. See Local Rule 36(C).

PER CURIAM:

Appellant appeals the district court's order denying her motion for a new trial or judgment notwithstanding the verdict. See Fed. R. Civ P.59 (a), 50 (b). We have reviewed the record, and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Riggan v R. W. Moore Equip. Co., No. CA-96-890-5-BR-2 (E.D.N.C. Mar.25,1998). We deny Appellant's motion for oral argument and preparation of a transcript at government expense because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

filed
November 23, 1998

No. 98-1521
CA-96-890-5-BR2

Virginia Early Riggan
Plaintiff-Appellant

R.W. Moore Equipment Company
Defendant- Appellee

On Petition for Rehearing with Suggestion for Rehearing in Banc.

The appellant's petition for rehearing and suggestion for rehearing in banc was submitted to this court. As no member of this court or the panel requested a poll on the suggestion for rehearing in banc, and

As the panel considered the petition for rehearing and is of the opinion that it should be denied,

IT IS ORDERED that the petition for rehearing and suggestion for rehearing in banc are denied.

For the court,
/s/ Patricia S. Connor
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No: 5:96-890-BR2

Virginia Early Riggan
Plaintiff

v

R.W. Moore Equipment Co.,
Defendant

On 17 February 1998 the plaintiff filed motions for a new trial or judgment notwithstanding the verdict. At plaintiff request she was allowed until 2 March 1998 to obtain a new attorney and file written memoranda, affidavits or other documents in support of the motion. On 19 February 1998 plaintiff filed, pro se, a Supporting Memorandum but no other documents have been filed. Upon full consideration the motions are DENIED.

This March 24, 1998.

W. EARL BRITT
Senior U.S. District Judge